

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION**

ROBERT MICHAEL L.,

Plaintiff,

No. 3:19-cv-00346-CL

v.

ORDER

**COMMISSIONER SOCIAL
SECURITY ADMINISTRATION,**

Defendant.

AIKEN, District Judge.

Magistrate Judge Mark D. Clarke has filed a Findings and Recommendation (“F&R”) recommending that the ALJ’s decision be affirmed and this case dismissed. ECF No. 24. Under the Federal Magistrates Act, the Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). If a party files objections to a magistrate judge’s findings and recommendations, “the court shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.*; Fed. R. Civ. P. 72(b)(3).

For those portions of a magistrate judge’s findings and recommendations to which neither party has objected, the Act does not prescribe any standard of review. *See Thomas v. Arn*, 474

U.S. 140, 152 (1985) (“There is no indication that Congress, in enacting [the Act], intended to require a district judge to review a magistrate’s report to which no objections are filed.”). Although no review is required in the absence of objections, the Magistrates Act “does not preclude further review by the district judge[] *sua sponte* . . . under a *de novo* or any other standard.” *Id.* at 154. The Advisory Committee Notes to Fed. R. Civ. P. 72(b) recommend that “[w]hen no timely objection is filed,” the court should review the recommendation for “clear error on the face of the record.”

In this case, Plaintiff has filed Objections and the Commissioner has filed a Response. ECF Nos. 26, 27. The Court has reviewed Judge Clarke’s F&R and finds no error. The F&R is therefore ADOPTED and this case is DISMISSED. Final judgment shall be entered accordingly.

It is so ORDERED and DATED this 16th day of April 2021.

/s/Ann Aiken

ANN AIKEN

United States District Judge